IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.370 OF 2003

Shri Seshagiri Tirumalarao Baru & Ors. ..Petitioners.

V/s.

Mr.Morgan J. Miranda & Ors. ..Respondents.

Mr.Mahabaleshwar N. Morje with Vidyabhushan Mallik for petitioners.

Mr.Pankaj S. Shah for respondents.

Mr.Malandkar for BMC.

CORAM: A.M.KHANWILKAR,J

DATE : AUGUST 9, 2006.

P.C. :

1. Heard counsel for the parties.

2. As per the consent terms filed in this contempt petition the private respondent landlord took steps to apply and obtain separate water connection as contemplated in subsection 7 of section 29 of the Maharashtra Rent Control Act, 1999. The said application, it is stated, is still pending for consideration before the Hydraulic Engineers Department which was filed on 24th December, 2004. The petitioners have also filed seperate application on the same date before the concerned officer of the Corporation. In response to the said applications,

the Corporation has called upon the private parties to submit sanctioned plan to process those applications further. Private respondent landlord through counsel assures that necessary compliance will be made within two weeks from today. That assurance is accepted.

3. According to the Corporation, the structure is not authorised, in which case as per the policy of the Corporation water connection cannot be provided to such structure. The Private respondent landlord submits that they have no objection for providing additional water connection to the suit structure and shall extend all necessary cooperation for that purpose to the petitioners before the Corporation or any other proceedings that may be resorted to by the petitioners.

4. The Assistant Engineer, Water Works K-West-Ward assures that the applications preferred by the petitioners and private respondent landlord will be considered within four weeks from today, and appropriate decision taken thereon will be communicated to the respective parties. That assurance is accepted.

5. Counsel for the petitioners submits that this court may not finally dispose of the present petition, instead keep the same pending till the decision is taken by the Corporation. In my opinion, it is not necessary to do so. It will be open to the Corporation to decide the application for providing additional water connection, in accordance with the law. In case the decision is adverse to the petitioners, it will be open to the petitioners to question the correctness of that decision by way of substantive proceeding as may be available and permissible by law. Those proceeding will be decided on its own merits in accordance with the law.

6. Petition disposed of on the above terms. Notice issued to the respondents stands discharged.

7. In the event the petitioners and private respondent-landlord fail to comply with the requisitions sent by the Corporation within specified time of two weeks as noted earlier, it will be open to the Corporation to decide the pending application without waiting further, after two weeks.